



PLANNING DIRECTOR'S HEARING AGENDA

WEDNESDAY, October 11, 2006

9:00 a.m.
City Council Chambers
City Hall

200 East Santa Clara Street
San Jose, California 95113-1905

Hearing Officers

Susan Walton, Principal Planner

Mike Enderby, Acting Principal Planner

**Joseph Horwedel, Acting Director
Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **October 11, 2006**. My name is _____ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda
- Staff report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Gina Robles (gina.robles@sanjoseca.gov).

AGENDA

ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **PDA05-037-01. This is a Planned Development Permit Amendment** to allow architectural modifications, paving material changes, and the street naming of a previously approved Planned Development Permit that allowed up to 5 single family detached and attached residences on a 0.46 gross acre site in the A(PD) Planned Development Zoning District, located on the south east terminus of Duckett Way, approximately 315 feet east of South De Anza Boulevard (Richard Sowe, Owner). Council District 1. CEQA: Addendum to Negative Declaration. **Deferred from 9/20/06.**
- b. The projects being considered are located at/on east side of S. 10th Street approximately 300 feet south of Needles Drive (1860 S. 10th ST), in the LI Light Industrial Zoning District (NGUYEN DUNG HOAI AND LISA K ET AL, Owners). Council District 7. SNI: None. CEQA: Exempt. **Deferred from 9/27/06.**
 1. **SP06-042. Special Use Permit** to allow Industrial Condominium uses (23 units) on a 5.42 gross acres site.
 2. **T06-052. Tentative Map Permit** to subdivide 1 parcel into 23 lots for Industrial Condominium uses on a 5.42 gross acres site.
- c. **TR06-147. Tree Removal Permit** to allow removal of two (2) Coastal Redwood trees approximately 76 and 78 inches in circumference on a 0.15 gross acre site in the R-1-8(PD) Planned Development Zoning District, located at 2371 Apsis Court (Schultz Linda J Trustee, Owner). Council District 9. CEQA: Exempt.

- d. **SF06-002. Single-Family House Permit** to allow the demolition of an existing 1,260 sq. foot residence and construction of a 3,054 square foot single-family residence on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the south side of May Lane, approximately 250 feet east of Calico Avenue (3662 May Lane). (Georgia Mae Ramier/Cindy Daley, Owners). Council District 9. SNI: None. CEQA: Exempt.
- e. **TR06-071. Tree Removal Permit** to allow the removal of one (1) live Ash tree 91-inch in circumference on a 0.28 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1850 Cavalier Court (Filmore E And Janet Rose, Owners). Council District 9. CEQA: Exempt
- f. **TR06-112. Tree Removal Permit** for one Italian Stone Pine (70 inches in circumference) on a 0.15 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 3188 Haga Drive (Enterprise Mortgage Service of California, Owner). Council District 7. CEQA: Exempt.
- g. **PDA80-054-032. Planned Development Permit Amendment** to construct one single-family residence on a 0.38 gross acre site in the R-1-2(PD) Planned Development Zoning District, located on the northeast terminus of Canyon View Court approximately 110 feet easterly from Canyon View Drive (3464 CANYON CREEK DR) (Le Kyle Et Al, Sanchez Yolanda I And Tony J, Owner). Council District 4. SNI: None. CEQA: Addendum of EIR.
- h. **TR06-136. Tree Removal Permit** for removal for one Eucalyptus tree approximately 105 inches in circumference in the front yard of single-family residence on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 762 Pearlwood Way (Judd William B And Rebecca M, Owner). Council District 10. CEQA: Exempt
- i. **TR06-140. Tree Removal Permit** for removal of two Pine trees 84 and 74 inches in circumference from the rear yard of a single-family residence on a 1.04 gross acre site in the R-1-1 Single-Family Residence Zoning District, located at 6686 Graystone Lane (De Whitt Delmar P And Gertrude L Trustee, Owner). Council District 10. CEQA Exempt
- j. **SP06-056. Special Use Permit** for late night use until 3:00 a.m. daily at an existing restaurant on a 0.1 gross acre site in the DC Downtown Primary Commercial Zoning District, located at the south side of East San Carlos Street, approximately 150 feet west of South 4th Street (140 E San Carlos Street) (Ens Associates Investments Llc, Owner). Council District 3. SNI: University. CEQA: Exempt.
- k. **SP06-055. Special Use Permit** to allow late night use until 3:00 a.m. daily at an existing bakery on a 0.07 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the north side of East Santa Clara Street, approximately 50 feet west of North 3rd Street (MEXICO BAKERY) (87 E SANTA CLARA ST) (Wagner Fernand J And Suzanne D Trustee, Owner). Council District 3. SNI: None. CEQA: Exempt.
- l. **SP06-057. Special Use Permit** for late night use until 3:00 a.m. daily at an existing restaurant on a 0.2 gross acre site in the DC Downtown Primary

Commercial Zoning District, located at the north side of W. Santa Clara Street approximately 60 feet east of San Pedro Street (131 W SANTA CLARA ST) (San Pedro Square, Llc, Owner). Council District 3. SNI: None. CEQA: Exempt.

The consent calendar is now closed.

3. PUBLIC HEARING

- a. **H05-053. Site Development Permit** to allow the construction of a new, approximately 208,000 square foot research and development facility on a 6.8 gross acre site in the IP Industrial Park Zoning District, located at the northerly corner of Montague Expressway and Trimble Road (Cadence Design Sysys Inc, Owner). Council District 4. SNI: None. CEQA: EIR Resolution No. 60197. **Deferred from 9/27/06.**
- b. **PDA88-011-01. Planned Development Permit Amendment** to allow off-sale of alcoholic beverages at an existing retail store (FIRST MART) on a 1.91 gross acre site in the A(PD) Planned Development Zoning District, located at the southeast corner of North 1st Street and Nicholson Lane (3720 N 1ST ST) (The Nicholson Family Partnership, Owner). Council District 4. SNI: None. CEQA: Exempt.
- c. **SP06-059. Special Use Permit** to allow retaining walls, 6 feet in height, on a 0.46 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at the east side of Clayton Road, approximately 160 feet southerly of Kaylene Drive (10350 CLAYTON RD) (Gonzalez Manuel J And Maria G, Owner). Council District 5. SNI: None. CEQA: Exempt.
- d. **V06-009. Fence Variance** to allow a five foot wall, previously constructed within five feet of the side property line facing Newport Avenue for an existing single-family residence in the R-1-8 Single-Family Residence Zoning District located on the southwest corner of Roycott Way and Newport Avenue (1204 Roycott Way) (Nguyen Loan Theresa Et Al, Owner). Council District 6. SNI: None. CEQA: Exempt.
- e. **H06-031. Site Development Permit** to convert an existing two-family residence (duplex) to a single-family residence on a 0.16 gross acre site in the R-2 Two-Family Residence Zoning District, located on the west side of N. 3rd Street, approximately 320 feet south of Burton Street (1101 N. 3rd Street) (Nunes Mathews A And Ida H Trustee, Owner/Developer). Council District 3. SNI: None. CEQA: Exempt.

This concludes the Planning Director's Hearing for October 11, 2006. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:
<http://www.sanjoseca.gov/planning/hearings/default.asp>
PUBLIC INFORMATION COUNTER
(408) 535-7800 CITY OF SAN JOSE